

## Morse, W. Travis SPK

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**From:** Don Carlson [dcarlson@ncwcd.org]  
**Sent:** Monday, June 20, 2011 1:22 PM  
**To:** Morse, W. Travis SPK  
**Cc:** Noble Underbrink; Jim L. Struble; Eric Wilkinson  
**Subject:** RE: East inlet wetland damage (UNCLASSIFIED)  
**Attachments:** Bianco COE documentation may 2011.docx; 6-20-2011 Notes April 26 Bianco meeting.docx

Travis -

As we discussed over the phone earlier today, Northern Water personnel met and visited with the Bianco's the end of April. They had concerns about potential flooding this spring. For several years we have had access over their property to one of our flow gages on the East Inlet with RMNP and have had a good relationship with them. They thought it was our responsibility to protect their property. We offered to provide rock material, but not to do any work. We were very clear with them and did mention that any work in the stream may require a permit from the Corps of Engineers.

We delivered approximately seven loads of rock to their property and stockpiled it on a dry road/driveway on May 4, 6, and 9. There was a backhoe and operator on-site as we delivered the material, so it is understandable why someone may have thought we did the work. We provided materials but did not do any work within wetland-type areas or within the stream.

Mr. Noble Underbrink and Mr. Jim Struble of our organization each prepared documents that described their involvement. I've attached copies.

Please let me know if I can provide any additional information beyond that contained in this email and attachments.

Don

Don Carlson, P.E. | Assistant General Manager 220 Water Ave. | Berthoud, CO 80513 Direct 970-622-2348 | Cell 970-290-0900 Main 800-369-RAIN (7246) | Fax 877-851-0018 [dcarlson@ncwcd.org](mailto:dcarlson@ncwcd.org) | [www.northernwater.org](http://www.northernwater.org)

Conserve water - it starts with you.

-----Original Message-----

**From:** Morse, W. Travis SPK [<mailto:W.Travis.Morse@usace.army.mil>]  
**Sent:** Monday, June 20, 2011 10:44 AM  
**To:** Don Carlson  
**Subject:** East inlet wetland damage (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Hello Don,

Thank you for your call. As promised, please find my contact information included in my signature block below. Please respond to this message with your account of the purported wetland damage that has occurred at the east inlet to Grand Lake. Include dates, names, contact information, ownership, what type of fill material was used, what type of equipment was used, and any other information you have knowledge of regarding this issue.

Sincerely,

Travis Morse, Biologist  
Regulatory Project Manager  
U.S. Army Corps of Engineers  
Colorado West Regulatory Branch  
400 Rood Avenue, Room 142  
Grand Junction, Colorado 81501  
O: (970) 243-1199, ext. 17  
C: (970) 216-1184  
F: (970) 241-2358  
w.travis.morse@usace.army.mil

web: <http://www.spk.usace.army.mil/regulatory.html>

Let us know how we're doing.  
<http://per2.nwp.usace.army.mil/survey.html>

Information on the Regulatory Program.  
<http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/index.html>

Classification: UNCLASSIFIED  
Caveats: NONE

## **Documentation of work performed at East Inlet May, 2011**

Early May Jim Bianco called to discuss run off and what could be done. I asked Jim Struble to come over and discuss run off issues with Mr. Bianco from a Lands and right away standpoint.

We met Mr. and Mrs. Bianco at the Bianco properties and Jim Bianco discussed the potential of high flow that was being talked about at public meetings and the effects on the property from the previous year. We were informed he had discussed this with what seemed like all other federal and state agencies and was asked if we could do anything to help them with the river that runs through their property. Mrs. Bianco felt the water belonged to someone and should be responsible for damages to their property. Jim Struble explained that run off is a natural occurrence associated to the snow pack and we could not and would not assist with manpower or equipment. We were asked if we could supply material if they were to get a contractor to place rocks back in where rocks had been washed out or sunk.

I discussed this with Don Carlson and promoted the supplying of material as we have a working arrangement with the Bianco's with the East inlet gauging station, which is located on Park service lands, and we have an easement through their property. This was agreed to supply a limited amount of material.

I discussed this with Jim Bianco that we would supply rock to his property and would like to meet to see the best place to dump the rock.

We met again to look at the site to dump rock and we determined the best place to dump to not get our trucks in snow and soft dirt and to possibly get stuck or cause damage to the trucks.

This was determined to be approximately 75 ft. to the south of his barn/storage area next to a tractor that was broken down on his two track road into his property. I was informed at this time he had a contractor lined up to do his work. On the way out of his property I met Mr. Hammerlund who was moving in an excavator. I discussed with him that we would be bringing the rock, where we would dump it and that I would introduce him to our Civil foreman, Bill Shearer, who would coordinate bringing the material to the agreed location and with our other work at the quarry.

We set up a work code for this which I inadvertently called the work at North inlet instead of the East inlet. The civil crew took the material to the Bianco land on May 4<sup>th</sup>, 6<sup>th</sup> and 9<sup>th</sup> weather and muddy roads permitted. 30 hours total spent on loading and hauling. We hauled approximately 7 truck loads.

Mr. Bianco called and thanked us for the material and this concluded our contribution of material at this location.

Noble Underbrink

6/16/2011

Documentation regarding meeting held on April 26, 2011

On the morning of April 26, 2011, 9am, Noble Underbrink and I met with Jim and Kay Bianco regarding their concerns of potential high flows flooding and the potential erosion of their property along the river bank of the east inlet channel to Grand Lake. Mr. and Mrs. Bianco both expressed their concerns and were under the belief that Northern Water were responsible for the operations of the river that flowed into Grand Lake. Mrs. Bianco expressed to us that we need to help regulate the amount of water coming by their property to help with the potential flooding and the potential erosion of the river banks.

Noble and I both made it very clear that Northern Water had no control of the water until it was within Grand Lake and that we had absolutely no control of how much water would be entering the lake through the river. We reminded them <sup>just</sup> west of their property was National Park and there were no structures within the park to limit the amount of water that could be flowing in the river.

Mr. and Mrs. Bianco asked if Northern Water would be willing to line the river bank with material along their property to help limit the potential of flooding and erosion. We told the Bianco's that Northern Water would not agree to do the work because it was not our responsibility. In addition, we informed the Bianco's that it would require a permit from the Corp of Engineers in order to perform the work in and along the channel. Because of Northern Water's workload, the time and effort to do the necessary permitting, and that it was not Northern Water's responsibility to perform work. We did inform the Bianco's that we did have access to materials that they could use to line the river bank and that Noble would get back with them if we could make materials available for them to use.

We agreed that we could potentially make the material available and that Northern Water would deliver the material to their property, but they would be responsible for any necessary permitting and the placement of the material within of adjacent to the river channel.

The Bianco's were very appreciative of Northern Water's willingness to help them.

Jim Struble  
Real Estate Manager